

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID IVEY,)	Case No. 4:07CV3242
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
WILLIAM R. GIBSON,)	
CEO - NE REGIONAL CENTER,)	
)	
Respondent.)	

This is a habeas corpus case that may present significant legal issues of first impression. I previously dismissed without prejudice two cases that were filed by the petitioner, David Ivey. (See Case Nos. 8:06CV702 & 8:06CV767.) Those cases raised issues similar to the ones raised in this case. I appointed counsel in one of the earlier cases, but the matter did not appear to be prosecuted in a timely manner. (See Case No. 8:06CV702, Filing No. 24.)

The petitioner again has requested the appointment of counsel (Filing No. 1 at CM/ECF p. 21) and I believe that the appointment of counsel is necessary, given the issues that the case may present. The prisoner account statement submitted by the petitioner in this case establishes that he cannot afford to retain his own counsel. (Filing No. 3.) Therefore,

IT IS ORDERED that:

1. Pursuant to 18 U.S.C. § 3006A(a)(2)(B), Jeanelle R. Lust, Knudsen Law Firm, 3800 VerMaas Place, Suite 200, Lincoln, Nebraska 68502 (Ph: 402-475-7011), is appointed to represent the petitioner;¹

¹Ms. Lust was contacted by the pro se supervising judge, and she agreed to accept this case should she be appointed. I appreciate her willingness to help.

2. The Clerk of the court shall mail a copy of this memorandum and order to David Stickman, Federal Public Defender. David Stickman shall provide Ms. Lust with the appropriate CJA voucher;
3. The Clerk of the court shall mail a copy of this memorandum and order to Ms. Lust and Ms. Lust shall promptly enter her appearance and proceed to represent the petitioner;
4. The Clerk of the court shall mail a copy of this memorandum and order to the petitioner David Ivey;
5. Because counsel has now been appointed to represent the petitioner, this case is removed from the pro se docket. Magistrate Judge Gossett will take responsibility for pretrial management and will insure that Ms. Lust is provided with the proper CJA voucher; and
6. The Clerk of the court shall provide Judge Gossett with a copy of this memorandum and order;

DATED this 19th day of December, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge